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Attorney Docket No. 19904-008 (BREESE-8)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Rouquier *et al.*

SERIAL NUMBER: 09/747,155

EXAMINER: Brannock, Michael T.

FILING DATE: November 26, 1999

ART UNIT: 1644

FOR: NOVEL PEPTIDES AND NUCLEIC ACIDS ENCODING SAME

June 5, 2002
Boston, Massachusetts

Assistant Commissioner for Patents
Washington, D.C. 20231

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RESPONSE TO REQUIREMENT FOR RESTRICTION

This paper is in response to the March 5, 2002 Restriction Requirement (Paper No. 8). A check in the amount of \$400.00 is enclosed to cover the petition fee for a two-month extension of time pursuant to 37 C.F.R. § 1.17(a)(1). With the extension, these documents are due on or before June 5, 2002. Please charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311 (Reference No. 19904-009).

REMARKS

Applicants provisionally elect the invention of Group I, (Claims 1-8, and 11), drawn to polynucleotides, vectors, host cells and methods of producing a polypeptide. Applicants reserve the right to prosecute the non-elected claims in one or more continuing applications.

The Restriction Requirement also requires the election of a singled disclosed species pursuant to 35 U.S.C. § 121. The Restriction Requirement recites that claims 1-14 are generic to a plurality of disclosed species comprising either a polypeptide or polynucleotide of one of SEQ ID NO: 1-431. According to the Restriction Requirement, each SEQ ID NO represents a structurally and functionally distinct molecule, the use of one not being required for the use of any other. Further, the Office Action recites that although a search of one SEQ ID NO may overlap that of another, no two searches would be coextensive, and nor could one search be